

Serial No. 10/643,362  
Attorney Docket No. 46107-0089  
Response to Office Action dated August 8, 2005

### REMARKS

The present document is in response to the Office Action mailed August 8, 2005, in which the Examiner required election between Invention I (claims 1-24, drawn to a method of induction heat treating, classified in class 148, subclass 582); Invention II (claims 25-32, drawn to a cast hardened roller bearing, classified in class 384, subclass 625) and Invention III (claims 33-35, drawn to an induction coil, classified in class 336, subclass 115). Applicants respectfully disagree with Examiner's contention that the claims identified as inventions I and II are distinct and require restriction. Specifically, Applicants disagree with the Examiner's statement on page 2 of the Office Action that the product of claims 25-32 may be made by a process other than that described in claims 1-24. The final limitation in claim 25 states that "the hardened case is formed by an induction heat treatment" as described in claims 1-24. Furthermore, claim 26 goes on to describe further steps of the "induction heat treatment" of claim 25; these further steps being present in claim 1. For the reasons above, Applicants respectfully request that Examiner withdraw the present Restriction Requirement, and kindly consider claims 1-32 as originally presented.


If the Examiner disagrees and refuses to withdraw the Restriction Requirement, Applicants hereby provisionally elect claims 1-24, identified by Examiner as Invention I and being drawn to a method of induction heat treating. Applicants have canceled claims 33-35. Applicants reserve the right to submit a divisional application directed to the non-elected and/or canceled claims at a later time. In view of this election and these remarks, it is respectfully submitted that an action on the merits of the elected claims is in order.

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Favorable consideration and allowance of this application is respectfully requested.

Respectfully submitted,  
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